

Message Text

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ACTION DLOS-05

INFO OCT-01 AF-04 EUR-12 IO-10 ISO-00 CG-00 CIAE-00

DODE-00 PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05 PA-01

RSC-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 CEQ-01

COA-01 COME-00 EB-07 EPA-01 NSF-01 OES-03 FEAE-00

ACDA-05 AEC-05 AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00

OMB-01 CIEP-01 CEA-01 NEA-06 EA-06 TRSE-00 /129 W

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FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 7146

INFO AMEMBASSY LONDON

USMISSION USUN NEW YORK

C O N F I D E N T I A L LAGOS 11287

E.O.: 11652: GDS

TAGS: PLOS, NI, UK

SUBJ: LOS: UK-NIGERIAN CONSULTATIONS

SUMMARY: DURING THREE-DAY VISIT (DECEMBER 2-5) TO LAGOS, UK LOS TEAM HEADED BY SIR ROGER JACKLING HELD TALKS WITH NIGERIAN LOS EXPERTS WHICH CENTERED ON SETTLEMENT OF DISPUTES, INTERNATIONAL AUTHORITY, STRAITS, ECONOMIC ZONE AND LIMIT TO NATIONAL JURISDICTION. END SUMMARY.

1. UK HICOM GAVE US RUNDOWN ON MEETING LOS EXPERT SIR ROGER JACKLING HAD WITH NIGERIAN LOS TEAM DURING HIS RECENT VISIT TO NIGERIA. JACKLING, WHO WAS ACCOMPANIED BY H.A. DUDGEON, A.A. ARCHER AND A.R.M. JAFFRAY, HELD SUBSTANTIVE DISCUSSIONS WITH NIGERIAN LOS DELEGATION, HEADED BY ACTING SOLICITOR GENERAL J.P. OGUNDERE AND INCLUDING ADENIJI (MEA) AND TOBOR (FISHERIES). FOLLOWING POINTS EMERGED FROM TALKS (FULL TEXT OF UK MEMCON BEING POUCHED D/LOS):
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A) SETTLEMENT OF DISPUTES: OGUNDERE EXPRESSED SUPPORT FOR COMPULSORY DISPUTES SETTLEMENT PROCEDURE BUT DID NOT AGREE WITH US IDEA OF SEPARATE TRIBUNAL BECAUSE FMG WANTED TO STRENGTHEN I.C.J. AFRO-ASIANS AND FMG, HE SAID, COULDS SUPPORT CONCENT OF AD HOC PANEL OF EXPERTS.

B) INTERNATIONAL AUTHORITY: OGUNDERE FELT THAT "MOUNTAINS WERE BEING MADE OUT OF MOLEHILLS" ON ISSUE OF DISTRIBUTION OF REVENUES AND ADENIJI ADMITTED PROBLEM MORE PSYCHOLOGICAL OR POLITICAL THAN ECONOMIC. BOTH FAVORED INDONESIAN SYSTEM OF PRODUCTION SHARING (FOR OIL) AS POSSIBLE EXAMPLE FOR AUTHORITY TO FOLLOW, BUT SAW NEED FOR AVOIDING ARTIFICALLY SET PRICES (HIGH OR LOW) BY AUTHORITY. EVEN THOUGH NIGERIA IS PRIMARILY CONSUMER, EXCEPT IN CASE OF OIL, OGUNDERE SAID FMG WOULD CONTINUE TO SUPPORT OAU AND GROUP OF 77 LINE DEFENDING PRODUCERS OF OTHER MINERALS, AS WELL AS THAT LAID DOWN BY THE SIXTH UNGA SPECIAL SESSION.

C) OGUNDERE ADMITTED ISSUE WAS NOT VITAL TO NIGERIA, WHICH FELT IT HAD DUTY TO SECURE COMPROMISE. HE SAID, HOWEVER, OAU HAD TO MAKE GROUP DECISION ON MATTER. REFERRING TO RED SEA AND BAB AL MANDEB, HE NOTED SEVERAL AFRICAN STATES WERE CONCERNED ABOUT POSSIBLE HOSTILE ACTIONS BY THEIR NEIGHBORS. OVERALL QUESTION WAS NOT CONFLICT BETWEEN DEVELOPING AND DEVELOPED COUNTRIES, BUT RATHER GENUINE FEAR OF SUBMERGED SUBMARINES AND RISK OF NUCLEAR ACCIDENT. RESPONDING TO UK EXPLANATION OF THEORY OF BALANCE OF NUCLEAR DETERRENCE AND FACT ACCIDENTS LESS LIKELY IF SUBMARINES WERE SUBMERGED, OGUNDERE STRESSED IT WOULD BE HELPFUL FOR NUCLEAR POWERS TO EXPLAIN THEIR ATTITUDES MORE CLEARLY AND SCIENTIFICALLY, PARTICULARLY ON BALANCE OF DETERRENCE.

D) ECONOMIC ZONE: OGUNDERE SAID FMG WOULD PROBABLY ACCEPT "MAXIMUM YIELD" RECOMMENDATIONS ON FISHERIES, BUT WITH DECISION LEFT TO COASTAL STATES. HE SHOWED MARKED RELUCTANCE TO ACCEPT OBLIGATION OF MAXIMUM UTILIZATION. ADENIJI NOTED THAT OAU HAD WORKABLE AGREEMENT ON FISHING BETWEEN NEIGHBORING STATES, WHICH OGUNDERE SAID SHOULD BE ADOPTED GLOBALLY. ON MARINE POLLUTION, NIGERIANS WERE NOT CONVINCED BY UK ARGUMENT THAT RATIFICATION OF EXISTING IMCO CONVENTIONS WOULD BE MOST CONFIDENTIAL

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EFFECTIVE STEP. THEY FELT COASTAL STATES SHOULD HAVE FINAL AUTHORITY BUT IN CONFORMITY WITH EXISTING INTERNATIONAL STANDARDS. NIGERIAN SIDE GAVE INTERPRETATIONS OF ARTICLE I (E) AND (F), AND ARTICLE III (PARA 2) OF NIGERIAN DRAFT ARTICLES (A/CONF 62/C 2/L 21/REV.1), WHICH, IT WAS NOTED, STRESSED NEED TO PREVENT REPEATED VIOLATIONS OF COASTAL STATE WATERS, TO ENSURE AGAINST EVASION OR DELAY OF PROPER PAYMENT OF TAXES BY OFFSHORE OIL COMPANIES AND TO PROTECT ARTIFICIAL ISLANDS.

ASKED ABOUT ACCEPTANCE OF TERM "EXCLUSIVE ECONOMIC ZONE",
JACKLING REPLIED HE WOULD BE HAPPIER WITHOUT WORD "EXCLUSIVE".

E) LIMIT TO NATIONAL JURISDICTION: NIGERIANS EXPRESSED BELIEF
THAT UK EXPLANATIONS ON EDGE OF MARGIN PROBLEM (HEDBERG FORMULA)
AND CRITERIA TO BE FOLLOWED GAVE TOO BIG AN ADVANTAGE TO
DEVELOPED COUNTRIES POSSESSING ISLANDS AND WOULD LEAVE NONE
OF COMMON HERITAGE IN INTERNATIONAL AREA.

2. JACKLING ALSO SAW MEA PERNSEC IYALLA AND ATTORNEY-GENERAL
GRAHAM-DOUBLAS, BUT ACCORDING TO UK HICOM HAD NO SUBSTANTIVE
LOS DISCUSSIONS WITH EITHER.

3. COMMENT: NIGERIAN PROPOSAL FOR 50-MILE TERRITORIAL SEA
RAISED AT CRACAS AND DISCUSSED WITH NORDQUIST OF D/LOS DURING
HIS RECENT VISIT (LAGOS 10388) DID NOT SURFACE AT MEETING
BETWEEN JACKLING AND FM TEAM. UK HICOM CONFIRMS THAT
EXTENSION OF TERRITORIAL SEA NOT RAISED BY EITHER SIDE.
CROSBY.

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